90. (New) The method of claim 52 wherein the presence of at least 5 said polymorphisms is indicative of a propensity for developing said disease or condition.

91. (New) The method of claim 52, further comprising assembling a record of said polymorphisms correlated with the occurrence or severity of said disease or condition.

92. (New) A database comprising one or more of the records assembled by the method of claim 90.

93. (New) The database of claim 92 wherein said database is electronically searchable.

94. (New) A method for identifying an agent useful in treating an ABC1-dependent disease or condition, wherein said disease or condition is selected from the group consisting of a lower than normal HDL level, a higher than normal triglyceride level, and a cardiovascular disease, said method comprising administering to said subject an agent known to modulate the biological activity of an ABC1 protein or gene and wherein said subject exhibits an ABC1 polymorphism identified as indicative of an ABC1 disease or condition by the method of claim 52.

REMARKS

Claims 1-79 are pending in the case and subject to a restriction. In response, Applicant elects claims 50-53 of Group XVI, with traverse. Applicant believes that no election of species is required.

Applicant respectfully contends that the claims of groups XVI, XVII and XVIII (claims 50-56) should be combined for examination purposes because all of these claims relate to the identification of polymorphisms in the sequence of an ABC1 gene

and/or polypeptide as taught in the application and thus a similar, if not the same, search must be conducted for each group. In addition, applicant has cancelled claims 55 and 56 (Group XVIII) and replaced these with new claim 94, directed to a method of using the polymorphisms identified in amended claim 52.

Applicant has amended claims 50-54 to better reflect the nature of the invention. Applicant has also added new claims 80-93 as dependent claims from amended claims 50 and 52 (both of which are part of elected Group XVI). Because these claims are interrelated, Applicant believes that they can all be searched together and therefore should be combined into one group.

A two month extension fee for response is included with the present amendment. No additional fee is believed due in filing this paper. If any fee is due, Applicant requests that the Commission charge such fee to Deposit Account No. 03-0678.

FIRST CLASS CERTIFICATE

I hereby certify that this correspondence is being deposited today with the U.S. Postal Service as First Class Mail in an envelope addressed to:

Commissioner for Patents
Washington, DC 20231

Alan J. Grant 7/23/02

Alan J. Grant, Esq. **Date**

Respectfully submitted,

Alan J. Grant

Alan J. Grant, Esq.
Reg. No. 33,389

CARELLA, BYRNE BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
Six Becker Farm Road
Roseland, NJ 07068
Phone: 973-994-1700
Fax: 973-994-1744

AMENDED CLAIMS

50. (Amended) A method of determining a propensity for developing a disease or condition in a subject at risk of developing said disease or condition, wherein said disease or condition is selected from the group consisting of a lower than normal HDL level, a higher than normal triglyceride level, and a cardiovascular disease, said method comprising determining the presence or absence of at least one ABC1 polymorphism in the polynucleotide sequence of an ABC1 regulatory region, promoter, or coding sequence or in the amino acid sequence of an ABC1 protein in a sample obtained from said subject, wherein the presence of said at least one ABC1 polymorphism is indicative of a ~~risk for~~ propensity for developing said disease or condition.

51. (Amended) The method of claim 50, further comprising ~~analyzing~~ determining the presence or absence of polymorphisms in at least five ABC1 polymorphic sites in said ~~polynucleotide~~ nucleotide sequence or said amino acid sequence wherein said polymorphic sites are sites where polymorphisms have been identified in other subjects.

52. (Amended) A method for determining whether the presence of an ABC1 polymorphism in a subject is indicative of a risk for a disease or condition in said subject, wherein said disease or condition is selected from the group consisting of a lower than normal HDL level, a higher than normal triglyceride level, and a cardiovascular disease, said method comprising the steps of:

(a) determining ~~whether~~ a difference in the ~~prevalence~~ occurrence or severity of said disease or condition in a first subject, or first set of subjects, ~~differs from said prevalence of said disease or condition in~~ relative to a second subject, or second set of subjects;

(b) ~~analyzing the polynucleotide sequence~~ identifying at least one polymorphism in the nucleotide sequence of an ABC1 regulatory region, promoter, or coding sequence or the amino acid sequence of an ABC1 protein in a sample obtained from said first subject, or first set of subjects, and said second subject, or second set of subjects; and

(c) ~~determining whether at least one ABC1 polymorphism differs between said first subject or set of subjects and said second subject or set of subjects, wherein~~ correlating the presence ~~or absence~~ of said ABC1 polymorphism ~~is correlated~~ with ~~said prevalence~~ the occurrence or severity of said disease or

condition, thereby ~~determining whether said~~ identifying an ABC1 polymorphism that is indicative of said risk.

53. (Amended) The method of claim 52, further comprising ~~analyzing~~ determining the presence or absence of polymorphisms in at least five ABC1 polymorphic sites in said ~~polynucleotide~~ nucleotide sequence or said amino acid sequence wherein said polymorphic sites are sites where polymorphisms have been identified in other subjects.